



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

JUN 20 2016

Ref: 8EPR-N

Derek Padilla, District Ranger
Dolores District, San Juan National Forest
29211 Hwy 184
Dolores, Colorado 81323

Re: Rico-West Dolores Roads and Trails Project Draft Environmental Impact Statement, **CEQ**
#20160097

Dear Mr. Padilla:

The U.S. Environmental Protection Agency Region 8 has reviewed the May 2016 Draft Environmental Impact Statement (EIS) prepared by the U.S. Department of Agriculture Forest Service (USFS) for the Rico-West Dolores Roads and Trails Project. Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA).

Project Background

The Rico-West Dolores Roads and Trails Project focuses on 244,554 acres of National Forest land north of Dolores, Colorado, on the Dolores Ranger District of the San Juan National Forest. The purpose of the project is to identify the road and trail system open to the general public for over-ground, wheeled, motor vehicle travel. The decision will result in a project-specific amendment to the San Juan National Forest Land and Resource Management Plan. The Draft EIS analyzes the following five alternatives:

- Alternative A (No Action): Continuation of current situation.
- Alternative B (Proposed Action): Makes minor changes to the road system. Removes motorcycles from some trails to address resource impacts, livestock distribution concerns, and requests for non-motorized areas. Imposes the strictest proposed timing restrictions.
- Alternative C: Allows motorcycle use on more trails than Alternative B, and proposes new motorcycle trails. Less restrictive timing restrictions are added.
- Alternative D: Similar to Alternative C, but with focus on a semi-primitive non-motorized recreation setting in the Bear Creek drainage.
- Alternative E: Provides a semi-primitive non-motorized setting throughout the Bear Creek drainage, on North Calico Trail and connecting trails, and in the East Fork Trail area. Timing restrictions would be the same as Alternative C.

A preferred alternative has not been identified at this time.

EPA's Comments and Recommendations

The EPA's comments and recommendations following review of the Draft EIS are focused on protection of aquatic resources, including water quality and wetland and riparian resources.

Characterization of Surface Water Resources

Existing resource conditions provide the basis for an effective analysis of potential impacts. While the Draft EIS does include a discussion of baseline water resource information, visual aids would greatly enhance the reader's understanding of the proximity of water resources to existing and proposed roads and trails. We recommend that the Final EIS include a map of project area waters, including streams, tributaries, lakes, springs and wetlands. Translating the tables of existing watershed conditions and stream health in Section 3.4.1 into maps overlaying the existing road and trail system would also aid understanding of the affected environment and potential for impact to resources that are already exhibiting stress.

Roads and trails can be a significant source of sediment and associated pollutants to water bodies on forest lands. Water quality data for the streams and lakes of the analysis area provide important information to guide management for this project, as well as a baseline for future monitoring of impacts and evaluation of potential influence on downstream water quality. In addition to the information already provided regarding Clean Water Act (CWA) impaired water body segments within, or downstream of, the project area, we recommend the Final EIS provide a summary of available information and monitoring data on water quality for the project area, including parameters relevant to road and trail systems such as total suspended solids, total dissolved solids, dissolved oxygen, total nitrogen, total phosphorus, conductivity, temperature and the causes of impairment for waterbodies within or downstream of the project area. We additionally recommend including a map of the CWA impaired water body segments in relation to the road and trail system. If any waterbodies currently have approved Total Maximum Daily Loads (TMDLs), we recommend that the Final EIS discuss how the project alternatives may affect the load allocations for these TMDLs.

Effects to Surface Water Quality

According to the Draft EIS, Alternatives C, D and E would result in increased sediment in Spring Creek, the only Outstanding Water in the project area, and would likely violate the antidegradation designation. In addition, the Draft EIS notes that "the portion of the trail along the creek with motorcycle use would detract from the outstanding water designation and would not meet Forest Plan Standard 2.6.3" for these alternatives. It is unclear from the Draft EIS whether the USFS would be able to approve an alternative that violates the antidegradation designation and does not meet the Forest Plan Standard. We recommend that the Final EIS clarify this point.

To mitigate the anticipated impacts to Spring Creek, the Draft EIS notes that "if the current trail tread is reconstructed, realigned to avoid springs and riparian area, and maintained, then it would not impact the outstanding waters designation. Measures would include, but not be limited to: installment of appropriate cross drainage, re-alignment away from springs, the riparian area and stream, and reduction of trail slopes by adding switch backs." It is not clear whether these mitigation measures are being

committed to, or whether they are potential measures for future consideration. The description of the alternatives in Section 2.2.3 does not specifically list these measures. We recommend that the Final EIS contain a commitment to conduct the listed activities to protect the outstanding waters of Spring Creek. Unlike the other action alternatives, Alternative B would improve the overall health of the stream by terminating FSR547 prior to the stream crossing and converting it to a non-motorized trail. We therefore recommend selecting a preferred alternative that provides protections for Spring Creek equivalent to the protections provided by Alternative B.

Effects to Wetlands

According to the Draft EIS, there are 94 mapped fens, 22 possible fens, and 97 wetlands with unknown status within the project area. Fen wetlands provide important hydrological and water quality functions by improving water quality in headwater streams and may support rare assemblages of plants, insects and aquatic invertebrates. They also provide critical ecological functions such as providing base flows to streams during late summer and/or drought periods. Fen communities are very sensitive to hydrologic alternations and restoration is at best extremely challenging once function has been impaired. Due to the slow rate of accumulation of peat in fens, compensation for these impacts is usually not possible and these ecosystems are considered to be irreplaceable.

The EPA recognizes fen-type wetlands as ecologically critical in that they provide local and regional biodiversity. The U.S. Fish and Wildlife Service (USFWS) designated fen wetlands a Resource Category 1 with respect to the USFWS Peatland Mitigation Policy. The mitigation goal of USFWS Resource Category 1 is no loss of habitat values and the Peatland Mitigation Policy places the protection and avoidance of fen wetlands as a priority during CWA Section 404 reviews. Further underlying the uniqueness and importance of fen wetlands in Colorado, the U.S. Army Corps of Engineers revoked the use of Nationwide Permits in fen wetlands to protect this unique wetland type. In the EPA's view, these wetland ecosystems are, for all practical purposes, non-renewable and irreplaceable. Therefore, in accordance with the goal of no overall net loss of the nation's remaining wetland base for the Section 404 regulatory program, we strongly recommend that both direct and indirect impacts to these highly valued resources be avoided.

The Draft EIS evaluates the difference among alternatives with regard to impacts to wetlands and riparian resources based on miles of road within 100 feet of water resources, number of stream crossings, and number of fens within 100 feet. Displaying this information on a map would allow the reader to better visualize the difference among alternatives. In addition, we recommend that the Final EIS provide additional information regarding the types and acreage of wetlands, fens, riparian areas, and springs that may be impacted. Performing a functional assessment would help to determine the functions and values of wetlands, fens, and riparian areas within the project area.

Table 3-8 displays roads within 100 feet of mapped fens and unverified fens; however, the Draft EIS states that "high-density wetland/fen areas" are not included in the table and are described separately later in the section. While the narrative descriptions are informative, compiling all of the information in one location would also be helpful for ease of comparing alternatives. We recommend that the data for the high-density wetland/fen areas be added to the table, and to the map we have recommended above.

According to the Draft EIS, impacts to wetlands, fens and riparian areas are already occurring in the project area. While some existing impacts would be mitigated to varying degrees by the proposed alternatives, some new impacts would also occur under each alternative due to new trail construction or a change from non-motorized to motorized trail use. Where impacts are anticipated, we recommend that the Final EIS describe which alternative will best enable the USFS “to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands” as described in Executive Order (EO) 11990, Protection of Wetlands. We recommend selection of an alternative, or combination of alternatives, that best achieves this goal. Further, if there are proposed roads or trails that would directly impact fen wetlands, those impacts should be avoided. Where direct and indirect impacts to wetlands, fens and riparian areas can’t be avoided, please describe how these impacts will be mitigated. We recommend that any mitigation be consistent with the 2008 Rule on Compensatory Mitigation for Losses to Aquatic Resources for CWA Section 404 related impacts. It may be appropriate to consider restoration of currently impacted wetlands as potential mitigation for unavoidable impacts due the project.

One specific area of existing impact discussed in the Draft EIS is occurring in an area of wetlands, fens, streams, and springs traversed by the North Calico National Recreation Trail (NRT) and Winter Trail. Each of the action alternatives would improve riparian/wetland conditions in this area, relative to the no action alternative. The greatest protection appears to be provided by Alternative E, which closes both trails to motorized use, or Alternative B, which realigns North Calico NRT to avoid wetlands/fens/springs and closes Winter Trail to motorized use. We recommend that when a preferred alternative is identified, it includes the highest level of protection from among the alternatives. Alternative C would maintain North Calico NRT for motorized use in its current alignment, and the Draft EIS indicates that maintenance and monitoring would be necessary to ensure that riparian/wetland areas are moving toward Desired Future Conditions and Forest Plan standards are met. We recommend that the Final EIS provide additional information on monitoring plans proposed under this alternative (see our additional recommendations regarding monitoring below).

Substantial existing wetland impacts are also described in an area of numerous springs, seeps and small springs traversed by FR578B and FR578B1, which feed into a large wetland and fen complex. We recommend that when the USFS identifies a preferred alternative, it incorporates the highest level of protection for this valuable area.

Public Drinking Water Supply Sources

Source water protection is a key issue to consider with travel management planning. In order to ensure that public drinking water supply sources (e.g., surface water sources, including groundwater under the direct influence of surface water (GWUDISW) sources, and groundwater sources) are protected from potential impacts associated with USFS-authorized activities in the planning area, it is important to identify where these sources are located. Therefore, the EPA recommends that the Final RMP/EIS include a map depicting municipal supply watersheds¹ and source water protection areas for public water supply wells and surface water intakes (streams, rivers and reservoirs) in accordance with State data security requirements.

Once these resources are identified, we recommend that the document include an analysis of the potential impacts to drinking water sources. According to the Draft EIS, “[t]he communities of Cortez, Dolores, and Dove Creek depend upon the Dolores River and McPhee Reservoir for municipal water supplies. The Town of Rico obtains its water supply from Silver Creek and a groundwater well along the Dolores River.” It also indicates that groundwater is used for domestic wells and campgrounds. We recommend that the Final EIS include a discussion of design criteria and mitigation options for protecting these high value drinking water resources from potential project impacts.

Soils Prone to Mass Movement

The Draft EIS discusses soils prone to mass movement and includes Table 3-13 displaying areas prone to mass movement that are in proximity to fens, wetlands and riparian areas. Unplanned slumps and slides in these areas have increased potential to result in sedimentation and water quality impacts. We recommend that the Final EIS discuss how the USFS plans to prioritize trail maintenance in these areas to reduce the likelihood of such events occurring.

Project Design Criteria, Mitigation and Monitoring

The EPA supports the inclusion of Design Features in Appendix B to reduce the potential for aquatic resource impacts. We note that the Design Features as they appear in the appendix do not entirely match those that appear within the text of Section 3.4.2.3 and 3.4.2.4 (e.g., with regard to level of road, all trails vs. motorized trails only, and timing of evaluations) and recommend that the two be reconciled. We also note that the appendix does not include, “closure to dispersed camping within mapped fens,” which is listed in Section 3.4.2.3, or either of the additional measures for riparian areas and wetlands found in Section 3.4.2.4 (page 75). Finally, while the text of Section 3.4.2.4 indicates that the fen Design Features would also apply to riparian areas and wetlands, the text of Appendix B does not reflect this commitment. We recommend that each of the Design Features be edited to include fens, wetlands and riparian areas.

The Draft EIS states that, “if the [Design Features] are adhered to, [the] Alternatives would comply with Forest Plan Standard 2.4.19” for protection of fens. Similar statements are made with respect to Forest Plan Standards for riparian and wetland resources, with the exception of some specific areas of anticipated impact such as those discussed above. To support this statement, we recommend that each alternative include identification of appropriate mitigation where impacts are expected. Where impacts are not avoidable, we recommend that an explanation be provided as to why these impacts are necessary to make the project feasible. With these considerations in mind, we recommend the Final EIS include the following information:

- Designation of the entity responsible for implementing the mitigation;
- A defined monitoring plan;
- Specific management decision points based upon protecting the minimum desired environmental conditions (thresholds) in the project area, which would trigger action;
- Management actions and mitigation measures that would be implemented should a threshold be exceeded;
- Identification of funding sources;
- Mechanisms for public disclosure of the analysis and management decisions; and

- Specific temporal milestones to meet rehabilitation standards.

Effectiveness monitoring is discussed in the January 2011 Council on Environmental Quality guidance on “Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact” (see <http://energy.gov/nepa/council-environmental-quality>). The guidance is useful for EIS projects such as this one. Such a monitoring plan would support the Rico-West Dolores Travel Management Plan by allowing the USFS to justify adaptation of the plan in response to any resource issues that may arise.

Other Considerations

Enforcement of the Travel Plan

Enforcement of the travel plan is critical to the success of resource protection efforts. User-created routes generally have the greatest potential to impact watershed processes, water quality, and riparian health, because they do not have properly designed and maintained drainage features. These routes may also cross sensitive wildlife habitat, unstable soils, or other fragile resources. Further, our knowledge of other past travel management plans in EPA Region 8 states indicates that that roads are difficult to close, and in many situations motor vehicles will find a way to explore a closed road. Based on these concerns, we recommend that the Final EIS discuss how the USFS will commit adequate funding and personnel to regulate and remedy unauthorized motor vehicle use. Further, we recommend that the Final EIS include a monitoring plan for determining the effectiveness of travel management on the Rico-West Dolores area, including prevention of user-created routes and success of road closures.

Preferred Alternative

The Draft EIS does not identify the USFS’s preferred alternative. We have noticed that since the implementation of the 2012 Forest Planning Rule pre-decisional objection process, occasionally USFS Final EISs have not included identification of the preferred alternative. As required under Section 1502.14 of the Council on Environmental Quality’s Regulations for Implementing the National Environmental Policy Act, the preferred alternative will need to be identified in the Final EIS unless another law prohibits expression of such a preference. It seems reasonable to identify a preferred alternative in the Final EIS to ensure that the public and interested stakeholders have an opportunity to comment through an open notice and public comment period. We recommend that the USFS’s preferred alternative is clearly described in the Final EIS.

Closing and EPA Rating

Based on our review, the EPA is rating the document and all alternatives as “Environmental Concerns – Insufficient Information” (EC-2). The “EC” rating means that the EPA’s review has identified potential impacts that should be avoided in order to fully protect the environment, including potential impacts to wetlands and water quality. The “2” rating means that the Draft EIS does not contain sufficient information for the EPA to fully assess environmental impacts. A description of EPA’s rating system can be found at: <http://www2.epa.gov/nepa/environmental-impact-statement-rating-system-criteria>.

We appreciate the opportunity to comment on this document and hope our suggestions will assist you with preparation of the Final EIS. We would be happy to meet to discuss these comments and our recommendations. If you have any questions or requests, please feel free to contact either me at 303-312-6704, or your staff may contact Molly Vaughan, at 907-271-1215 or vaughan.molly@epa.gov.

Sincerely,



Philip S. Strobel
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation



